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March 7, 2006

VIA ELECTRONIC FILING

The Honorable Benson E. Legg
Chief Judge
United States District Court
for the District of Maryland
Third Floor, Room 340
101 W. Lombard Street
Baltimore, MD 21201

RE: In the Matter of the Complaint of
Eternity Shipping Ltd., *et al.*
For Exoneration from or Limitation of Liability
Civil Action No. L-01-CV-0250

Dear Judge Legg:

We represent Third-Party Defendant American Bureau of Shipping ("ABS") and write in response to Tate & Lyle's letter dated February 24, 2006, addressed to the Court.

First, we note that the subject letter was forwarded via overnight mail to the Court and copied to counsel via regular mail. This office received the letter on March 1, 2006. A submission to the Court in a manner in which counsel receive the submission several days later than the Court gives us concern. The letter was not electronically filed until March 3, with all counsel of course being notified of the filing.

Beyond that, the February 24 letter is nothing more than another out-of-time submission to the Court by Tate & Lyle – in effect a surreptitiously memorandum filed without the permission of the Court. Local Rule 105.2.a. The multiple, belated arguments on top of a belatedly designated expert and out-of-time expert reports are still another example of Tate & Lyle's counsel's continuing disregard of the Court's Orders, the Local Rules, and the Federal Rules of Civil Procedure.

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We ask the Court not to consider the February 24, 2006 letter from Tate & Lyle's counsel when deciding ABS's Motion for Summary Judgment. If the Court decides, however, to consider the arguments made by Tate & Lyle's counsel in that letter, we request that we be given the opportunity to file a reply, as a movant would under Local Rule 105.2.a be allowed to file a reply to a memorandum in opposition to a motion.

Respectfully submitted,

/s/

James W. Bartlett, III

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